



STATE OF TENNESSEE
DEPARTMENT OF CHILDREN'S SERVICES

MEMORANDUM

TO: Directors and Principals of Tennessee Public Schools
Superintendents, Directors, and Principals of DCS Schools

FROM: Faye Taylor, Commissioner of Education
George W. Hattaway, Commissioner of Children's Services
Joseph Fisher, Assistant Commissioner of Special Education
Mary Meador, Children's Services Director of Education

DATE: March 11, 2002

SUBJECT: Enrollment of Students in or Returning from State Custody

Many questions have arisen concerning enrolling state custody students in public schools. We hope the points below will clarify some issues for you.

- As you are aware, LEAs must enroll students in state custody who have been placed in the school district by the Department of Children's Services (DCS). This includes students who have been suspended or expelled (see TCA 49-6-3401(f)). However, the actual educational placement is still within the purview of the school district.
- DCS Case Managers or foster parents are authorized to enroll students who are in state custody.
- Students who have been released from state custody should be enrolled by a legal guardian who is a resident of the school district.
- State custody students should not be denied admission to public schools due to incomplete school records or due to the time of the semester that students enroll.
- DCS is recognized as an LEA (see TCA 37-5-119); therefore, please follow your system's normal policies and procedures for transferring confidential educational records between school systems.

- According to the Interagency Agreement, an LEA shall provide DCS with a child's education records as soon as possible, but no later than fourteen (14) calendar days after receipt of the request unless there is a critical need to expedite forwarding of the records.
- DCS will provide the LEA with the education records of a child as required with IDEA and FERPA regulations. The DCS school or DCS contract school will provide the LEA with a child's education records as soon as possible, but no later than fourteen (14) calendar days after receipt of the request unless there is a critical need to expedite forwarding of the records. However, failure to receive education records does not suspend the responsibility of the LEA to provide FAPE. Nothing in this provision is meant to supersede the requirements of the FERPA, state and federal law, and the regulations promulgated thereunder.
- Based upon Federal rule, it is the position of the Division of Special Education that an individual with a disability should not be denied a copy of his educational record, including but not limited to grade cards, diplomas, certificates of progress, transcripts, Individual Educational Plans, progress reports and other records in the student's file, even though he might owe fees to the school.
- By July 1, 2002, each LEA must notify Bob Tipps at the Department of Education, Division of Special Education, of the name, address, and telephone number of a designated person to coordinate the transfer of educational records to other LEAs including DCS. This information may be faxed to Mr. Tipps at (615) 532-9412 or mailed to his office at the address below.

Tennessee Department of Education, Division of Special Education
Attention: Bob Tipps, Director
5th Floor, Andrew Johnson Tower
710 James Robertson Parkway
Nashville, TN 37243-0375

The DOE and DCS are working jointly to ensure that students in state custody are successful in the transition from school to school. We have enclosed a list of regional educational specialists who have been employed to assist you in obtaining necessary school records and in handling concerns that may arise with these students. You may also contact Mary Meador in the Education Division of DCS at 741-9211, or Bob Tipps in the Department of Education, Division of Special Education, at 741-3538. Both Ms. Meador and Mr. Tipps, as well as their staffs, will be willing to assist you with educational issues related to students in state custody.